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9 Attorneys for Defendant  
10 CORRECTIONS CORPORATION OF AMERICA

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRITANIE FLETCHER,  
Plaintiff,

vs.

CORRECTIONS CORPORATION OF  
AMERICA, a Maryland corporation, doing  
business as NEVADA SOUTHERN  
DETENTION CENTER,

Defendant.

Case No. 2:12-cv-01565-JCM-VCF

**REQUEST TO EXCUSE ATTENDANCE  
OR FOR TELEPHONIC APPEARANCE  
AT EARLY NEUTRAL EVALUATION  
SESSION**

ENE DATE: January 11, 2013  
ENE TIME: 9:30 a.m.

MAGISTRATE JUDGE LEEN

Defendant Corrections Corporation of America doing business as Nevada Southern Detention Center ("Defendant"), by and through its counsel of record, Littler Mendelson, P.C., hereby submits this request to excuse Defendant's insurance representative from attendance at the Early Neutral Evaluation ("ENE") session, or in the alternative, to allow Defendant's insurance representative to be available telephonically.

Pursuant to the Order Scheduling Early Neutral Evaluation Hearing (Dkt. #10), this case has been referred to the Honorable Peggy Leen, United States Magistrate Judge, to conduct an Early Neutral Evaluation ("ENE") hearing in Las Vegas, Nevada on January 11, 2013, at 9:30 a.m. The scheduling order requires the presence of an insurance representative with binding authority to settle this matter up to the full amount of the Plaintiff's claim. However, in this case, Defendant files the instant request to excuse its insurance representative from attendance at the ENE session because

1 Defendant has a One Million Dollars (\$1,000,000.00) self-insured retention on its insurance policy.

2 In light of the fact that the deductible in this case is \$1,000,000.00, and Plaintiff's damages,  
3 at most, are calculated to be well under the amount of Defendant's deductible as reflected in  
4 Plaintiff's Complaint, Defendant does not believe that there is reasonable likelihood that the  
5 indemnity provision of the applicable insurance policy will be approached at the ENE Conference.  
6 As such, Defendant believes that it would be more efficient and economical to excuse the insurance  
7 representative from attendance at the ENE session. Susan Lindsey, Assistant General Counsel,  
8 Labor and Employment, will be present at the ENE session and have binding authority on behalf of  
9 CCA. Alternatively, Defendant requests that its insurance representative be allowed to be available  
10 to participate in the ENE session telephonically, if needed.

11 Dated: January 4, 2013

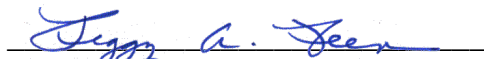
12 Respectfully submitted,

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14  
15 ROGER L. GRANDGENETT, II, ESQ.  
16 KRISTINA ESCAMILLA GILMORE, ESQ.  
17 LITTLER MENDELSON, P.C.

18 Attorneys for Defendant  
19 CORRECTIONS CORPORATION OF  
20 AMERICA

21 IT IS SO ORDERED this 9th day  
22 of January, 2013.

23   
24 Peggy A. Leen  
25 United States Magistrate Judge  
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27  
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**PROOF OF SERVICE**

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89169. On January 4, 2013, I served the within document(s):

**REQUEST TO EXCUSE ATTENDANCE OR FOR TELEPHONIC APPEARANCE AT  
EARLY NEUTRAL EVALUATION SESSION**

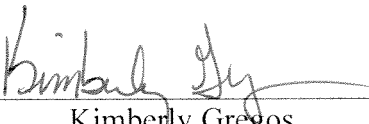
☒ By **CM/ECF Filing** – Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court's Case Management and Electronic Case Filing (CM/ECF) system:

Robert P. Spretnak, Esq.  
Law Offices of Robert P. Spretnak  
8275 S. Eastern Ave., Ste. 200  
Las Vegas, Nevada 89123

*Attorney for Plaintiff*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 4, 2013, at Las Vegas, Nevada.

  
\_\_\_\_\_  
Kimberly Gregos

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